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TESTIMONY
BEFORE THE

HOUSE COMMITTEE ON GOVERNMENT REFORM COMMITTEE

ON

GETTING READY FOR THE '06 HURRICANE SEASON

THE UNITED STATES HOUSE OF REPRESENTATIVES

MAY 24, 2006

Introduction

Thank you Chairman Davis, Ranking Member Waxman, and distinguished members of the Committee for allowing me the opportunity to provide you with a statement for the record on efforts to prepare for the upcoming hurricane season, both in Mississippi and nationally. I am Robert Latham, the Director of the Mississippi Emergency Management Agency. In my statement, I am representing the National Emergency Management Association (NEMA), whose members are the state directors of emergency management in the states, territories, and the District of Columbia and also the Mississippi Emergency Management Agency. Currently, I am the Legislative Chairman of NEMA. Prior to my state appointment in Mississippi six years ago, I served as the Tate County Emergency Management Director for five years and as the Chief of Senatobia Fire Department for 18 years. With more than 25 years at both the state and local levels of emergency management, I not only understand how it is intended to work, but also recognize the problems that occur when it does not operate correctly.

Mississippi Efforts to Prepare for the 2006 Hurricane Season

As we prepare for the annual cycle of Hurricane Season in Mississippi, we must understand the magnitude of devastation in Mississippi from Hurricane Katrina. As of May 19, 2006, over 41 million cubic yards of debris has been removed from Mississippi by the Corps of Engineers, contractors, and state and local jurisdictions. While work in George and Stone Counties are nearly complete, we are still working on debris removal in our four most devastated counties. We expect that at least another million cubic yards of debris must be removed. Over 100,000 citizens are living in 38,000 travel trailers and manufactured houses as temporary housing in Mississippi. More than 518,000 applications have been filed for Individual Assistance, with over \$1.2 billion approved in assistance. The federal government has approved over 8,600 public assistance projects for infrastructure repair with over \$1.1 billion obligated. The Small Business Administration has accepted more than 86,000 loan applications accepted for more than \$2.3 billion. The National Flood Insurance Program has paid more than \$2.3 billion in claims to more than 19,000 policy holders.

While Mississippi's preparedness for and response to Hurricane Katrina went relatively well, we recognized areas for improvements and have made several key systems improvements to address the lessons learned from Hurricane Katrina and Rita. We are confident that as we move forward that these

initiatives, will improve state and local capability, property damage will be reduced, and lives will be saved. Just some of these key enhancements include the following programs:

1. Mississippi developed and implemented a eight week, statewide “Stay Alert, Stay Alive” hurricane awareness campaign that involves 14 state agencies, the Federal Emergency Management Agency, the National Flood Insurance Program, the Salvation Army, and the private sector. Each week focused on a different theme of preparedness to include issues such as business preparedness, mental health, pet/animal preparedness, volunteer agencies, evacuation planning, and individual and family preparedness;
2. One of our major priorities for the 2006 hurricane season has been an improved logistics capability. While we feel that the federal government has made significant improvements in its ability to support state and local governments to provide lifesaving and life-sustaining commodities, we are not comfortable that we have a clear understanding of what we can expect from the federal logistics system to support our requirements. In each of the southern-most counties in Mississippi, we have identified all county owned fuel sites and their capacity for both gasoline and diesel, the fuel burn rate for the first 15 days of a Katrina like event, and any critical facilities the counties are required to support. We have identified companies and secured price quotes for base camps, generators, pumps, and other critical equipment that could be needed in the early hours of a disaster. Mississippi is also working with private businesses that can rapidly deploy and deliver food, water, and other commodities.
3. Mississippi is working on identification of distribution sites and plan updates for commodities receiving. This includes state staging areas, county staging areas, local community’s distribution sites, equipment requirements, identification of key equipment such as forklifts, light sets, and movement capabilities. Mississippi is working with FEMA personnel to identify the first three-day shortfall needs for life-sustaining and lifesaving commodities. FEMA has scheduled classes for state personnel to learn improved methods of management and accountability procedures for donations and warehousing.
4. We have initiated a statewide disaster reservist program consisting of subject matter experts that will provide MEMA with a surge capacity of critical skill personnel in times of disaster. Working with professional organizations and retiree associations we are actively recruiting experienced personnel that can be easily integrated into the state’s emergency management system when the need arises.
5. Mississippi has completed a new 77,000 square foot, state of the art emergency operations center that will house on a daily basis the Mississippi Emergency Management Agency and other elements of our emergency response partners and support full activation of the state’s coordination of response to emergencies and disasters. We anticipate this facility will be ready for occupation by the end of July.
6. Last but not least, the Mississippi Emergency Management Agency, under a major reorganization approved by the State Personnel Board in November 2005, has increased its authorized staff from 67 to 137. This will enable the agency to support the increased preparedness initiatives at the local level on a daily basis and improve its ability to support response and recovery operations.

Issues for Federal Improvement

While the House, Senate, and the White House have completed reports outlining the Lessons Learned and recommendations for improvement for federal response to disasters, I feel it is important to articulate the issues that I saw as most important in those reports and the Federal government's response to these issues relative to my experience last year with Hurricane Katrina.

1. Federal Logistics Planning

One thing that Mississippi learned during Hurricane Katrina is that the federal supply system did not and could not meet the state and local burn rates for commodities such as food, water, ice and other immediate needs. Recognizing this shortfall, the federal government has undertaken a massive effort to repair this system. My concern is that states recognized this federal failure and have undertaken many efforts on their own to fix these logistical shortfalls. While this work is taking place at the national level, there is no clear understanding of what to expect from the federal government and how it will be integrated into state and local logistical plans.

2. Regional Hurricane Exercises

In the last couple of months, DHS/FEMA announced their sponsorship of regional hurricane exercises to prepare the upcoming season. While this would appear to be a tremendous opportunity, the manner in which the Federal government proposed to complete these exercises limited participation and could have adverse effects on a comprehensive objective assessment of our nation's capability. First, the Federal government proposed hosting these exercises in Atlanta or Miami with key state and local officials traveling to these central locations for tabletop exercises. We should "train as we would fight" with state and local governments activating and operating Emergency Operations Centers (EOCs) just as we would do in a real event. This approach would allow all of the state and local government representatives to test continuity of operations plans (COOP), communications systems, message flow and equipment and commodity tracking and other critical components of our response system. While we understand the need to test these vital systems, the last thing state and local governments need less than two weeks from the start of hurricane season is to travel out of state for the purpose of conducting a hurricane exercise in a cosmetic environment and under unrealistic conditions that do not reflect or test true capabilities.

3. The Role of the Long-Term Recovery Office in Response

I am personally concerned about the approach of implementing Long-Term Recovery Directors as the coordinators and overseers of federal response operations if a storm should threaten the Gulf Coast again this year. In 2004, this approach was attempted in Florida and resulted in confusion. The Recovery Office is established and staffed to oversee the long-term recovery effort in the designated disaster area. Given the magnitude of this recovery effort, the office should continue to allocate and dedicate all of its resources to its primary mission – the recovery of the Gulf Coast Region. This office is neither experienced nor staffed with personnel that have field operational experience that is so crucial in the early phase of response. Response should continue to be coordinated by and through the FEMA Regional Offices, as this approach has been successful for the last decade and we should not repeat the experience and lessons learned from 2004 after the Florida hurricanes. The Federal government must look at each state separately, with its unique and special circumstances and avoid any effort to take a regional approach to preparedness, response, recovery or mitigation. Recovery offices should concentrate on their primary mission and have no role in preparedness and response operations.

4. FIRST Teams

Two weeks ago, I along with other state emergency managers had the opportunity to participate in a briefing in Baltimore, MD on new FEMA FIRST Teams. These teams, first on the ground during a disaster to provide the Secretary of Homeland Security with situational awareness, have the potential to provide improved coordination and unity of effort, similar to what led to the successes during Katrina in Mississippi. The concept is good but the pre-deployment coordination and reporting protocol raises some issues. Teams should never be deployed directly to a local jurisdiction; rather deployment should be requested and coordinated by the State EOC based on a state's operational capability and magnitude of the event. The teams should also work with existing ERT-A and ERT-N as part of the unified command system, and never outside that system. We recommended that through existing video teleconference capabilities that deployment of these teams be discussed and coordinated well before deployment and only at the state's request.

The plan also calls for federal law enforcement officers to be on the ground before the FIRST teams and that these officers would report back to the Secretary directly. States expressed their non-support for this initiative. While these individuals could be a valuable asset to the first team concept, operating outside the unified command concept (local, state, federal-PFO, FCO, ERT-A, ERT-N, and National Response Plan), as it is proposed will undermine the unified command structure and breed an environment of mistrust between local, state and federal partners.

State representatives also urged FEMA to integrate the FIRST teams and any associated element of this concept into the existing unified command structure. Any other approach will only undermine the local-state-federal partnership and mutual respect and trust that is critical to the success in any joint effort.

Funding for Emergency Management – A National Priority Issue

The most important and critical component for strengthening our national preparedness and response to disasters is federal funding. While multi-billion dollar investments have been made in securing our homeland and preparing for acts of terrorism, funding for natural hazard preparedness has suffered. The current FY 2007 proposed funding level for the Emergency Management Performance Grant (EMPG) is only \$170 million. After modest increases, EMPG's growth rate has not kept pace with inflation or increased federal requirements. Some of these mandates include: updating state and local plans to reflect the new National Response Plan, training and adoption of the new National Incident Management System (NIMS), requirements in the National Preparedness Goal and Target Capabilities List, updates of emergency evacuation plans, and participation in National Plan Reviews as mandated by Congress. This year, of all years, the Administration is proposing to cut EMPG by \$13.1 million, despite the \$260 million shortfall identified by NEMA in a 2004 study. While last week the House of Representatives proposed to address this year's EMPG funds with a \$3 million increase over the FY 2006 level, significant resources must be allocated to this vital program to ensure our nation's preparedness levels. NEMA is appreciative of Congress' recognition of the EMPG program, but this year we respectfully ask that Congress aggressively address the programs shortfalls with an additional \$87 million in funding for EMPG for FY 2007, for a total of \$270 million.

Natural disasters are certain and often anticipated. While federal support to state and local governments is critical in disasters, we must be investing more resources to improve state and local capability. All disasters are local. Improving local emergency management capability will decrease

the need for a comprehensive federal response. The federal government, by its nature, is bureaucratic and cumbersome. Every state must be able to plan for disasters as well as build and sustain the capability to respond. EMPG is the only source of funding to assist state and local governments with planning and preparedness/readiness activities associated with natural disasters. EMPG is the backbone of the nation's all-hazards emergency management system and the only source of direct federal funding to state and local governments for emergency management capacity building. EMPG is used for personnel, planning, training, and exercises at both the state and local levels. EMPG is primarily used to support state and local emergency management personnel who are responsible for writing plans, conducting training, exercises and corrective action, educating the public on disaster readiness and maintaining the nation's emergency response system. EMPG is being used to help states create and update plans for receiving and distribution plans for commodities and ice after a disaster, debris removal plans, and plans for receiving or evacuating people – all of these critical issues identified in the aftermath of Hurricane Katrina.

The state and local government partnership with the federal government to ensure preparedness, dates back to the civil defense era of the 1950s, yet increased responsibilities over the last decade have fallen on state and local governments without increased EMPG funding. NEMA completed a Quick Response Survey in March 2006 to assess the impacts of the proposed cut to the EMPG program. Of the 42 states responding, 90 percent of the states will have to cut staff ranging from one person to more than 50 positions. If the cut is included in the budget: 20 states will have to cut between 1-10 positions; 10 states will have to cut between 11-30 positions; 4 will have to cut between 31-50 positions; and 4 will have to cut more than 50 positions. In the same Quick Response Survey, 83 percent of responding states report that the majority of EMPG funds go to local grants, so the impact of the cut would be greatest on local governments.

State and Local Match

EMPG is the only program in the Preparedness account within the Department of Homeland Security that requires a match at the state and local level. The match is evidence of the commitment by state and local governments to address the urgent need for all-hazards emergency planning, to include terrorism. EMPG requires a match of 50 percent from the state or local governments. According to the NEMA 2004 Biennial Report, budgets for state emergency management agencies nationally were reduced by an average of 23 percent in fiscal year 2004, yet at the same time states were continuing to over match the federal government's commitment to national security protection through EMPG by \$96 million in FY04, which is a 80 percent state and 20 percent federal contribution.

Appropriate Support Needed to Strengthen Program

Clearly, Congress wants to understand what is being built with these investments, especially in tight fiscal conditions. The 2006 Quick Response Survey found that if states were to each receive an additional \$1 million in EMPG funding for FY 2007, states would use the following percentages for the following activities: 88 percent of states responding would use the funding to support the update plans including evacuation, sheltering, emergency operations, catastrophic disasters and others; 83 percent would provide more training opportunities for state and local emergency preparedness and response; 88 percent would provide additional preparedness grants to local jurisdictions; 69 percent would conduct more state and local exercises; and 61 percent would use funding for state and local NIMS compliance.

All-Hazards Approach

The federal government must continue its commitment to ensuring national security through all-hazard preparedness. Without adequate numbers of state and local personnel to operate the all-hazards emergency management system, the infrastructure used to prevent, prepare for, respond to, and recover from all disasters will collapse. Unfortunately, Hurricanes Katrina and Rita illustrated the need for adequate emergency management systems from the ground up. Instead of making unbalanced investments towards terrorism preparedness, we must maintain an all-hazards approach and shore up the foundation of our response system for all disasters regardless of cause. We strongly ask for Congress to ensure predictable and adequate funding levels for the EMPG in FY 2007.

Mutual Aid

Mutual aid is another key area that is supported by EMPG funds. The mutual aid assistance provided during 2005 vividly exposes the interdependencies of the nation's emergency management system. For Hurricane Katrina and Rita, the Emergency Management Assistance Compact (EMAC) has currently fulfilled over 2174 missions with 49 states, the District of Columbia, the U.S. Virgin Islands and Puerto Rico providing assistance in the form of 65,919 civilian and military personnel and equipment assets to support the impacted states. The estimated costs of this assistance may exceed \$829 million. Many of the civilians sent to provide assistance were supported by the EMPG program. The nature of the nation's mutual aid system vividly shows the need for all states to have appropriate capabilities to respond to disasters of all types and sizes. EMPG allows states and local governments to build this capacity both for their own use and to share in through EMAC. The increased reliance on mutual aid due to catastrophic disasters means additional resources are needed to continue to build and enhance the nation's mutual aid system through EMAC.

NEMA Policy and Activities Related to Hurricane Preparedness

In the months following Hurricane Katrina, NEMA took the lead on several national policy positions that you have asked for specific comments on during today's hearing including calling for criteria for the FEMA director, the role of the military, and for revisions necessary to the National Response Plan.

FEMA Director Criteria and Roles

In any organization, leadership is a critical ingredient for success. However, when we are talking about FEMA, several reforms must be made to ensure that the FEMA Director is successful. Regardless of where FEMA is located, NEMA recommends that the FEMA Director has a direct reporting relationship to the President of the United States. The relationship could be structured like that of the Chairman of the Joint Chiefs of Staff reporting to the President in times of war or crisis. Criteria and a recommended knowledge base should be established for the FEMA Director position, to include:

- Emergency management or similar related career at the federal, state or local government level;
- Executive level management experience, governmental administration and budgeting;
- Understanding of fundamental principles of population protection, disaster preparedness, mitigation, response and recovery, and command and control;
- Understanding of the legislative process; and
- Demonstrated leadership including the ability to exert authority and execute decisions in crisis situations.

The President should continue to nominate and the Senate should continue to confirm the Director of FEMA, but more Congressional consideration and scrutiny should be given to the nomination to ensure the appointed official meets established criteria. Further, a fixed term appointment for not less than five years should be considered, so the nomination is not political. This would be similar to the model for the FBI Director. Finally, a vetting process should be established that includes a role for input by emergency management constituency groups similar to the American Bar Association role in judicial nominations.

Most importantly, consideration needs to also be given to the connectivity between FEMA and the Preparedness Directorate within DHS, since all FEMA's preparedness functions were moved out into this new Directorate. When the Second Stage Review proposal was announced, NEMA articulated grave concern in a July 27, 2005 letter to the Department of Homeland Security regarding the Second Stage Review (2SR) creating a Preparedness Directorate that would be primarily focused on terrorism. The letter to Congress highlighted the lack of the Department's focus on natural-hazards preparedness and the inability to connect response and recovery operations to preparedness functions, as any unnecessary separation of these functions could result in a disjointed response and adversely impact the effectiveness of Departmental operations. Nevertheless, we understand that the 2SR is moving ahead and look forward to finding ways to connect the new Preparedness Directorate with FEMA.

Further, I personally believe that true all-hazards grants related to preparing for, responding to, and recovering from disasters belong back within FEMA in order to ensure the programmatic mission of the organization and maintenance of relationships at the state and local levels. Restoring these grants will also ensure that FEMA can effectively measure state and local government capabilities so they better understand where the federal government needs to play a role.

Role of the Military and DOD in a Disaster

NEMA does not support an increased role for the active duty military in disaster response. The nation's governors have direct and legal responsibility for the protection and safety of their citizens. The appropriate role for the active duty military is to provide assistance in support of civil authorities. The National Response Plan identifies the Department of Defense (DOD) as a support agency. NEMA's position is in line with National Governors' Association policy. The same issue was raised following Hurricane Andrew.

National Response Plan Revisions

NEMA sent a letter to Congress in March regarding the need for changes to the National Response Plan and some suggestions that should be considered. As you know, NEMA participated in the state and local working group that was consulted during the drafting of the NRP. NEMA provided comment throughout the process, however not all of the suggestions of state and local governments were always taken into account. As we move forward to find the lessons learned from Hurricane Katrina, we strongly support revisiting the NRP with vigorous input from representatives of the state and local emergency response community. Many of the concepts of the NRP, such as Incident Command System (ICS) and the Emergency Support Functions (ESFs) are representative of the systems and plans used successfully at the state and local government level. Any revisions of the plan must draw from the expertise built from the ground up. The NRP is a national plan and not a federal plan and all national players must be included in the review process to foster partnership and

cooperation. Additionally, state and local input to the process must be followed up upon and incorporated or explanations must be given if suggestions are not included.

While the letter included many recommendations, I offer three critical recommendations for your consideration today:

1. The Federal Coordinating Officer (FCO) must have the authority in the field to carry out the responsibilities of the position. The FCO's authority and responsibilities are clearly delineated in the Robert T. Stafford Disaster Relief and Emergency Relief Act (41 U.S.C. 5143 Section 302). The statute outlines the functions and appointment of the FCO and the NRP must follow the Stafford Act authorities that empower the FCO to serve on behalf of the President in a declared disaster area;
2. The role of the Principle Federal Official (PFO) must be made clearer to federal, state, and local authorities with responsibility over disasters. In NEMA's view, the position is duplicative and the differences in the PFO and FCO position must be outlined if the PFO position is maintained. NEMA opposed the creation of this position in the drafting process for the NRP. Initially, the PFO was included in the NRP to address an incident prior to a formal disaster or emergency declaration; and
3. The NRP must continue to include Emergency Support Functions (ESFs) as a means to integrate all disciplines into the command and control structure and the emergency operations center. State and local governments have been using this system for many years with success to represent various government agencies and areas that function under the unified command. Eliminating ESFs could inadvertently cut out critical functions in a disaster such as transportation and also would cause significant plan revisions at the state and local level.

However, The Department of Homeland Security already conducted an internal review of the National Response Plan. The final version is anticipated for publication by June 1, 2006, however there was no stakeholder participation invited in the review. Once again, state and local governments and the emergency response community must wait to find out the changes and will be mandated to follow a plan that did not include their input.

EMAC After-Action Review

Additionally, NEMA is the administrator of the Emergency Management Assistance Compact (EMAC). The state-to-state mutual aid system, referenced as a key achievement and best practice to be built upon in many of the reports on Hurricane Katrina, is not a perfect system and strives to achieve continuous improvement. NEMA's members are proud of the success of the system and support initiatives to bolster the system and elevate awareness of how EMAC works. NEMA conducted an After Action Review for the 2004 Hurricane Season that was released after Hurricane Katrina. Congressional staff were briefed on the report in October 2005 and some of the key recommendations included:

- Developing accountability measures for personnel, given the dynamic environments of deployments;
- Inadequate equipment and inappropriate gear for the primitive conditions in impacted areas;
- Defining the required attributes for resources requested that pointed to the need for resource typing;

- Enhancement of the EMAC database to better serve the needs of EMAC member States; and
- FEMA/DHS embracing EMAC as a full partner.

Many of the issues above were demonstrated as being addressed during Hurricane Katrina and Rita, such as the accountability of personnel, equipment needs, and an enhanced EMAC database.

In 2006 after Hurricane Katrina and Rita operations slowed, NEMA began the After Action Review for the 2005 Hurricane Season. In January, key state staff that were deployed or assisting from their home state as part of requests from impacted states were brought together in a focus group to begin identification of issues. In March, state and local staff deployed including representatives of a variety of national emergency response organizations including the National Sheriffs' Association, the International Association of Fire Chiefs, and many others, participated in a meeting to further cultivate the issues that went well and the issues for improvement for the 2006 season. The final After-Action Report is anticipated later this year, however NEMA has already identified issues for immediate action including: revision and adaptation of the Requisition A to an online format; development of outreach programs to share information on EMAC with state and local government agencies and national organizations representing various emergency response disciplines; integrating EMAC into state training exercises; enhancing EMAC's resource tracking system; updates to the EMAC protocols and guidelines to implement lessons learned; and development of additional training materials and development of a cadre of trained EMAC personnel to deliver the EMAC field courses aimed at educating both state and local level emergency responders on the EMAC system.

CONCLUSION

We appreciate Congress' increased attention and focus on disaster preparedness, response, recovery, and mitigation efforts. We ask that Congress look at ways to immediately influx the system with resources and innovation in order to face the challenges of the day. We cannot afford to repeat history and turn around to face the very same issues we faced with Hurricane Andrew as we did with Hurricane Katrina in 2006, or in the next decade. We must face these issues now and resolve ourselves to ensure that Federal, State and local governments have adequate funding for baseline emergency preparedness so exercises and training can ensure that plans and systems are effective before a disaster. I thank you for the opportunity to testify on behalf of NEMA and Mississippi and appreciate your partnership. I hope we can work together to continually implement the lessons of Hurricane Katrina and Rita and ensure that the nation is adequately prepared for any disaster, regardless of cause.